

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DALLAS McINTOSH, #B85114.

Plaintiff,

v.

*WEXFORD HEALTH SOURCES, INC.,
NANCY KEEN, BARBARA RODRIGUEZ,
ST. CLAIR COUNTY, RICHARD WATSON,
and PHILIP McLAURIN,*

Defendants.

Cause No. 3:17-cv-103-JPG-DGW

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF'S
FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES**

COME NOW Defendants Wexford Health Sources, Inc. and Barbara Rodriguez, by and through their counsel, Sandberg Phoenix & von Gontard PC, and for their Motion for Summary Judgment For Plaintiff's Failure to Exhaust His Administrative Remedies pursuant to Federal Rule of Civil Procedure 56 state as follows:

INTRODUCTION

1. Plaintiff filed this 42 U.S.C. Section 1983 action on February 2, 2017. [Doc. 1]
2. Plaintiff was incarcerated at St. Clair County Jail at all times relevant to this case.
3. Plaintiff alleges Defendants Wexford Health Sources, Inc. and Barbara Rodriguez were deliberately indifferent to his serious medical needs because they failed to prevent him from attempting suicide.
4. No suit may be brought by an inmate pursuant to 42 USC Section 1983 and related to prison conditions unless he first exhausts his administrative remedies. 42 U.S.C. §1997e(a).

5. As explained in Defendants' Memorandum of Law in Support of their Motion for Summary Judgment, plaintiff failed to exhaust his administrative remedies prior to filing suit and plaintiff's Complaint should therefore be dismissed.

6. Defendants incorporate by reference their Memorandum of Law in Support of their Motion for Summary Judgment in this Motion.

WHEREFORE, Defendants Wexford Health Sources, Inc. and Barbara Rodriguez respectfully requests this Court grant summary judgment in its favor and against Plaintiff and for any and such further relief the Court deems just and necessary.

SANDBERG PHOENIX & von GONTARD P.C.

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Inc. and Barbara Rodriguez*

Certificate of Service

I hereby certify that on the 5th day of January 2018 the foregoing was mailed by United States Postal Service to the following non-participant in Electronic Case Filing:

LEGAL MAIL

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I hereby certify that on the 5th day of January 2018 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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